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116

7590

04/01/2009

PEARNE & GORDON LLP  
1801 EAST 9TH STREET  
SUITE 1200  
CLEVELAND, OH 44114-3108

EXAMINER

NGUYEN, KIEN T

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 04/01/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,496	04/15/2004	John C. Sullivan	35502U/S1	8554

TITLE OF INVENTION: ACTION WOBBLE HEADS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	07/01/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

116 7590 04/01/2009

**PEARNE & GORDON LLP**  
**1801 EAST 9TH STREET**  
**SUITE 1200**  
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## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,496	04/15/2004	John C. Sullivan	35502U/S1	8554

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nonprovisional	YES	\$755	\$300	\$0	\$1055	07/01/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGUYEN, KIEN T	3711	446-486000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			NGUYEN, KIEN T	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 04/01/2009

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 311 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 311 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/825,496

**Applicant(s)**

SULLIVAN ET AL.

**Examiner**

KIEN T. NGUYEN

**Art Unit**

3711

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 12/23/08.
2. ☒ The allowed claim(s) is/are 65-117.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/Kien. T. Nguyen/  
Primary Examiner  
Art Unit: 3711

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Una Lauricia on 03/13/09.

The application has been amended as follows:

Cancel claims 1-10, 15-39, and 46-63.

Insert new claims 65-117.

--65. A mounting assembly for an image comprising:

a substantially flat mounting plate;

a mounting member;

a spring secured between the substantially flat mounting plate and the mounting member,

wherein a first end portion of the spring is secured to the substantially flat mounting plate such that the spring is substantially perpendicular with respect to the substantially flat mounting plate, and

wherein a second end portion of the spring is secured to the mounting member; and

a substantially flat image secured to the substantially flat mounting plate,

wherein the spring facilitates a wobble movement of the substantially flat mounting plate and the substantially flat image in a clockwise and counterclockwise manner with respect to the longitudinal axis of the spring.

66. The mounting assembly of claim 65, wherein the mounting member is a second mounting plate secured to a second end portion of the spring such that

the spring is substantially perpendicular with respect to the second mounting plate.

67. The mounting assembly of claim 65, further comprising a spring mount employed to secure the spring to the first mounting plate.

68. The mounting assembly of claim 67, wherein the spring mount comprises epoxy resin.

69. The mounting assembly of claim 65, wherein the image is a photograph.
70. The mounting assembly of claim 65, wherein the mounting member is a magnet secured to a second end portion of the spring such that the spring is substantially perpendicular with respect to the magnet.
71. The mounting assembly of claim 65, wherein the mounting member is a button shroud secured to a second end portion of the spring.
72. The mounting assembly of claim 65, wherein the mounting member is a snap assembly secured to a second end portion of the spring.
73. The mounting assembly of claim 65, wherein the mounting member is a suction cup assembly secured to a second end portion of the spring.
74. The mounting assembly of claim 65, wherein the mounting member is a microchip to provide at least one of audio or visual output secured to a second end portion of the spring.
75. A wobble head doll comprising:  
a body having at least one image provided on a first side thereof;

a spring coupled to the first side of the body such that a first end of the spring extends from the first side of the body in a substantially perpendicular manner; and at least one substantially flat image coupled to a second end of the spring,

wherein the at least one substantially flat image is coupled to the body via the spring, wherein the spring extends substantially perpendicularly between a vertical plane of the body and a vertical plane of the image, such that the image is able to move in a clockwise and counterclockwise manner with respect to the longitudinal axis of the spring when activated.

76. The wobble head doll of claim 75, wherein the body comprises a pressboard having an image provided thereon.

77. The wobble head doll of claim 75, wherein the at least one image is a photograph.

78. The wobble head doll of claim 75, further comprising a base for supporting the body.

79. The wobble head doll of claim 78, wherein the base comprises a slot provided in a top portion of the base for receiving a bottom portion of the body.



80. The wobble head doll of claim 78, wherein the base includes a turntable portion to rotate the wobble head.

81. The wobble head doll of claim 80, wherein the turntable portion is at least one of battery powered, solar powered, magnetic powered, electric powered, microchip powered, and manually powered.

82. The wobble head doll of claim 75, wherein at least two images are coupled to the body via two springs extending substantially perpendicular between a vertical plane of the body and a vertical plane of each of the images.

83. A kit for creating wobble objects comprising:
- paper for printing a desired image; and
  - a mounting assembly to secure to a back side of the image, wherein the mounting assembly includes:
    - at least one first mounting plate;
    - at least one second mounting plate;
    - and at least one spring secured to the first mounting plate and the second mounting plate such that the at least one spring extends between the first and second mounting plates in a substantially perpendicular manner;

wherein the first mounting plate and the second mounting plate each includes an adhesive layer provided on a first side of the plate, and

wherein each of the first mounting plate and the second mounting plate includes a removable film layer provided over the adhesive layer.

84. The kit of claim 83, further comprising at least one of a body or background for securing the mounting assembly and image thereto.

85. The kit of claim 84, further comprising a base for supporting the body or background.

86. The kit of claim 83, further comprising cardstock to create greeting cards.

87. The kit of claim 83, further comprising one or more magnets.

88. The kit of claim 83, further comprising one or more easel backs.

89. The kit of claim 83, further comprising preprinted images for securing the mounting assembly and image thereto.

90. The kit of claim 83, further comprising at least one book for securing the mounting assembly and image thereto.

91. The kit of claim 83, wherein the spring is a compression spring with substantially flat ends.

92. The kit of claim 83, wherein the spring has a compressed height of 0.099 in. or less.
93. A greeting card comprising:  
a base having a recessed area;  
a substantially flat image provided within the recessed area; and  
a mounting assembly coupled between the base and the image, the mounting assembly comprising:  
a first mounting plate;  
a spring having a first end portion secured to the first mounting plate such that the spring is substantially perpendicular with respect to the first mounting plate,  
wherein the substantially flat image is secured to the first mounting plate,  
wherein the spring facilitates a wobble movement of the mounting plate and the image in a clockwise and counterclockwise manner with respect to the longitudinal axis of the spring.
94. The greeting card of claim 93, further comprising a greeting card panel coupled to the base, wherein the greeting card panel is adapted to fold over the base in a book-like manner.
95. The greeting card of claim 94, further comprising hook and loop fasteners to hold the greeting card together in a closed manner.
96. The greeting card of claim 95, wherein the greeting card is a self-mailer greeting card and a mailing address can be provided on an outside portion of the greeting card.
97. The greeting card of claim 93, wherein the mounting assembly includes a spring mounted substantially perpendicularly between the base and the substantially flat image.

98. The greeting card of claim 97, wherein the spring has a compressed height of 0.099 in. or less.

99. The greeting card of claim 93, further comprising at least one microchip or battery to provide at least one of a recorded message, music, and voice activation.

100. An educational toy comprising:

a background image;

a substantially flat image; and

a mounting assembly for coupling the wobble image to the background image,  $\tau$   
the mounting assembly comprising:

a first mounting plate;

a spring having a first end portion secured to the first mounting plate such  
that the spring is substantially perpendicular with respect to the first mounting  
plate,

wherein the substantially flat image is secured to the first mounting plate,

wherein the spring facilitates a wobble movement of the mounting plate  
and the image in a clockwise and counterclockwise manner with respect to the  
longitudinal axis of the spring.

wherein the substantially flat image can wobble back and forth in a  
clockwise and counterclockwise manner with respect to the background image, and

wherein at least one of the background image and the substantially flat image  
includes at least one indicia provided thereon.

101. The educational toy of claim 100, wherein the at least one indicia comprises the letters A-Z.

102. The educational toy of claim 100, wherein the at least one indicia comprises the numbers 1- 9.

103. The educational toy of claim 100, wherein the at least one indicia comprises educational information.

104. The educational toy of claim 100, wherein the background image and substantially flat image are provided in an educational book.

105. The educational toy of claim 100, further comprising one or more microchips to provide audio verification of a learning process.

106. The mounting assembly of claim 65, wherein the spring has a compressed height of 0.099 in. or less.

107. A mounting assembly for an image comprising:

a first mounting plate;

a mounting member;

a spring secured between the first mounting plate and the mounting member, wherein the spring has a first end portion secured to the first mounting plate such that the spring is substantially perpendicular with respect to the first mounting plate, wherein the spring has a second end portion secured to the mounting member such that the spring is substantially perpendicular with respect to the mounting member; and

wherein the spring facilitates a wobble movement of the mounting plate in a clockwise and counterclockwise manner with respect to the longitudinal axis of the spring

wherein the first mounting plate includes an adhesive layer thereon and a removable film layer provided over the adhesive layer.

108. The mounting assembly of claim 65, wherein the mounting member is a hook and loop fastener secured to a second end portion of the spring.

109. The mounting assembly of claim 107, wherein the mounting member is a second mounting plate having an adhesive layer thereon and a removable film layer provided over the adhesive layer.

110. The wobble head doll of claim 75, wherein the body is constructed from a plastic material.

111. The wobble head doll of claim 75, wherein the body is constructed from at least one of a wood material and a metal material.

112. The wobble head doll of claim 75, further comprising at least one of a microchip, a battery, and a solar cell.

113. The mounting assembly of claim 107, further comprising a second mounting plate secured to a second end portion of the spring such that the spring is substantially perpendicular with respect to the second mounting plate.

114. The mounting assembly of claim 107, further comprising a spring mount employed to secure the spring to the first mounting plate.

115. The mounting assembly of claim 114, wherein the spring mount comprises epoxy resin.

116. The mounting assembly of claim 107, wherein the spring has a compressed height of 0.099 in. or less.

117. The mounting assembly of claim 107, further comprising a microchip to provide at least one of audio or visual output secured to a second end portion of the spring.--

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: new claims 65-117 replaced claims 1-10, 15-39, and 46-63, respectively. New independent claims 65, 75, 83, 94, 100, and 107 have been further defined the relationship between the mounting plate, mounting member, and the spring which read over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIEN T. NGUYEN whose telephone number is (571)272-4428. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kien. T. Nguyen/  
Primary Examiner  
Art Unit 3711

Ktn